

10/518096

JT12 Rec'd PCT/PTO 16 DEC 2004

Customer No. 22,852
Attorney Docket No. 02814.0070

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Vivian Godfrey BEUKES)
Application No.: Not Yet Assigned) Group Art Unit: Not Yet Assigned
Filed: December 16, 2004) Examiner: Not Yet Assigned
For: METHOD OF PRODUCING)
ORGANIC MATERIAL AND USE)
OF THE SAME)

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§1.56 and 1.97(b), applicant brings to the Examiner's attention the documents listed on attached Form PTO/SB/08 and cited in the international search report. With the exception of the U.S. patent, copies of the listed documents are attached. Applicant respectfully requests that the Examiner consider the documents listed on attached Form PTO/SB/08 and indicate that they were considered by making an appropriate notation on this form.

This Information Disclosure Statement is being filed with the above-referenced application.

The following is listed on the accompanying PTO/SB/08 and is in a non-English language:

1. European patent publication no. 0 649 669 A1. An English language abstract of this document is enclosed.

In lieu of a statement of relevance or the translation of the non-English document, enclosed is an English-language international search report from the European Patent Office in the PCT international application, from which this national phase U.S. application is derived, citing this document and setting forth the relevance thereof.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

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If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 16, 2004

By: 
Ernest F. Chapman
Reg. No. 25,961

Enclosures
EFC/FPD/blc

IDS Form PTO/SB/08: Substitute for form 1449				Compt. if Known 10/518096	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number Not yet available Filing Date December 16, 2004 First Named Inventor Vivian Godfrey BEUKES Art Unit Not yet available Examiner Name Not yet available	
Sheet	1	of	1	Attorney Docket Number 02814.0070	

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US-4,514,560	04-30-1985	Shinohara et al.	

Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004

FOREIGN PATENT DOCUMENTS					
Examiner Initials	Cite No. ¹	Foreign Patent Document Country Code ³ Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		EP 0 649 669 A1	04-26-1995	Manfred Brückner	Abstract
		GB 2 349 571 A	11-08-2000	Candasamy Rajendram	

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			Translation ⁶
		JARRELL ET AL., "THE KOMBUCHA CONSORTIA OF YEASTS AND BACTERIA", Micologist, November 2000, pp. 166-170, Vol 14, Part 4.			
		ABRAMOVSKA ET AL., ABSTRACT, XP002254991, of SU 850 094, July 30, 1981.			
		STEINKRAUS ET AL., "INVESTIGATIONS INTO THE ANTIBIOTIC ACTIVITY OF TEA FUNGUS/KOMBUCHA BEVERAGE", BIOTECHNOLOGICA, (1996), pp. 199-205, Vol. 16, No. 2/3, ACTA.			
		MAYSER ET AL., "THE YEAST SPECTRUM OF THE 'TEA FUNGUS KOMBUCHA'", MYCOSES, (1995), pp. 289-295, Vol. 38, No. 7.			

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.